

101ST CONGRESS
1ST SESSION

H. R. 1622

IN THE SENATE OF THE UNITED STATES

OCTOBER 18 (legislative day, SEPTEMBER 18), 1989

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Copyright Fees and
5 Technical Amendments Act of 1989".

6 SEC. 2. FEES OF COPYRIGHT OFFICE.

7 (a) FEE SCHEDULE.—Section 708(a) of title 17, United
8 States Code, is amended to read as follows:

9 "(a) The following fees shall be paid to the Register of
10 Copyrights:

1 “(1) on filing each application under section 408
2 for registration of a copyright claim or for a supple-
3 mentary registration, including the issuance of a certifi-
4 cate of registration if registration is made, \$20;

5 “(2) on filing each application for registration of a
6 claim for renewal of a subsisting copyright in its first
7 term under section 304(a), including the issuance of a
8 certificate of registration if registration is made, \$12;

9 “(3) for the issuance of a receipt for a deposit
10 under section 407, \$4;

11 “(4) for the recordation, as provided by section
12 205, of a transfer of copyright ownership or other doc-
13 ument covering not more than one title, \$20; for addi-
14 tional titles, \$10 for each group of not more than 10
15 titles;

16 “(5) for the filing, under section 115(b), of a
17 notice of intention to obtain a compulsory license, \$12;

18 “(6) for the recordation, under section 302(c), of a
19 statement revealing the identity of an author of an
20 anonymous or pseudonymous work, or for the recorda-
21 tion, under section 302(d), of a statement relating to
22 the death of an author, \$20 for a document covering
23 not more than one title; for each additional title, \$2;

24 “(7) for the issuance, under section 706, of an ad-
25 ditional certificate of registration, \$8;

1 “(8) for the issuance of any other certification,
2 \$20 for each hour or fraction of an hour consumed
3 with respect thereto;

4 “(9) for the making and reporting of a search as
5 provided by section 705, and for any related services,
6 \$20 for each hour or fraction of an hour consumed
7 with respect thereto; and

8 “(10) for any other special services requiring a
9 substantial amount of time or expense, such fees as the
10 Register of Copyrights may fix on the basis of the cost
11 of providing the service.

12 The Register of Copyrights is authorized to fix the fees for
13 preparing copies of Copyright Office records, whether or not
14 such copies are certified, on the basis of the cost of such
15 preparation.”.

16 (b) ADJUSTMENT OF FEES.—Section 708 of title 17,
17 United States Code, is amended—

18 (1) by redesignating subsections (b) and (c) as sub-
19 sections (c) and (d), respectively; and

20 (2) by inserting after subsection (a) the following:

21 “(b) In calendar year 1995 and in each subsequent fifth
22 calendar year, the Register of Copyrights, by regulation, may
23 increase the fees specified in subsection (a) by the percent
24 change in the annual average, for the preceding calendar
25 year, of the Consumer Price Index published by the Bureau

1 of Labor Statistics, over the annual average of the Consumer
2 Price Index for the fifth calendar year preceding the calendar
3 year in which such increase is authorized.”.

4 (c) CONFORMING AMENDMENT.—Section 704(e) of title
5 17, United States Code, is amended by striking out
6 “708(a)(11)” and inserting in lieu thereof “708(a)(10)”.

7 (d) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by this
9 section shall take effect 6 months after the date of the
10 enactment of this Act and shall apply to—

11 (A) claims to original, supplementary, and
12 renewal copyright received for registration, and to
13 items received for recordation in the Copyright
14 Office, on or after such effective date, and

15 (B) other requests for services received on or
16 after such effective date, or received before such
17 effective date for services not yet rendered as of
18 such date.

19 (2) PRIOR CLAIMS.—Claims to original, supple-
20 mentary, and renewal copyright received for registra-
21 tion and items received for recordation in acceptable
22 form in the Copyright Office before the effective date
23 set forth in paragraph (1), and requests for services
24 which are rendered before such effective date shall be

1 governed by section 708 of title 17, United States
2 Code, as in effect before such effective date.

3 **SEC. 3. TECHNICAL AMENDMENTS.**

4 (a) **SECTION 111.**—Section 111 of title 17, United
5 States Code, is amended—

6 (1) in subsection (c)(2)(B) by striking out “record-
7 ed the notice specified by subsection (d) and”; and

8 (2) in subsection (d)—

9 (A) in paragraph (2) by striking out “para-
10 graph (1)” and inserting in lieu thereof “clause
11 (1)”;

12 (B) in paragraph (3) by striking out “clause
13 (5)” and inserting in lieu thereof “clause (4)”;

14 (C) in paragraph (3)(B) by striking out
15 “clause (2)(A)” and inserting in lieu thereof
16 “clause (1)(A)”.

17 (b) **SECTION 801.**—Section 801(b)(2)(D) of title 17,
18 United States Code, is amended by striking out “111(d)(2)
19 (C) and (D)” and inserting in lieu thereof “111(d)(1) (C) and
20 (D)”.

21 (c) **SECTION 804.**—Section 804(a)(2)(C)(i) of title 17,
22 United States Code, is amended by striking out “115” and
23 inserting in lieu thereof “116”.

1 (d) SECTION 106.—Section 106 of title 17, United
2 States Code, is amended by striking out “118” and inserting
3 in lieu thereof “119”.

4 (e) EFFECTIVE DATE.—(1) The amendments made by
5 subsections (a) and (b) shall be effective as of August 27,
6 1986.

7 (2) The amendment made by subsection (c) shall be ef-
8 fective as of October 31, 1988.

9 (3) The amendment made by subsection (d) shall be ef-
10 fective as of November 16, 1988.

Passed the House of Representatives October 16,
1989.

Attest: DONNALD K. ANDERSON,
Clerk.